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AZ CORP COMMISSION
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Paul R. Michaud (No. 016659)
MARTINEZ & CURTIS, P.C.
2712 North 7th Street
Phoenix, Arizona 85006-1090
Attorneys for Constellation NewEnergy, Inc.
and Strategic Energy L.L.C.

BEFORE THE ARIZONA CORPORATION COMMISSIONCOMMISSIONERS

MARC SPITZER, CHAIRMAN
JIM IRVIN
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY FOR A
HEARING TO DETERMINE THE FAIR VALUE OF
THE UTILITY PROPERTY OF THE COMPANY FOR
RATEMAKING PURPOSES, TO FIX A JUST AND
REASONABLE RATE OF RETURN THEREON, TO
APPROVE RATE SCHEDULES DESIGNED TO
DEVELOP SUCH A RETURN, AND FOR
APPROVAL OF THE PURCHASE POWER
CONTRACT.

DOCKET NO. E-01345A-03-0437

Arizona Corporation Commission

DOCKETED

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**APPLICATION OF CONSTELLATION NEWENERGY, INC. AND
STRATEGIC ENERGY L.L.C. FOR LEAVE TO INTERVENE**

I.

Pursuant to A.A.C. R14-3-105, Constellation NewEnergy, Inc. ("Constellation NE")
and Strategic Energy L.L.C. ("Strategic Energy") hereby move the Arizona Corporation Commission
("Commission") for an order granting each leave to intervene in the above-captioned proceedings.

II.

Constellation NE is the nation's leading competitive retail electric service provider
serving commercial and industrial customers in California, Texas, Illinois, Ohio, Pennsylvania,
Maryland, Delaware, New Jersey, New York, Massachusetts, Rhode Island, New Hampshire and

1 Maine. Constellation NE is a wholly owned subsidiary of the Constellation Energy Group (NYSE:
2 CEG), a leading global power company comprised of competitive generation, distribution and retail
3 businesses around the world.

4 III.

5 Strategic Energy is an energy management company that provides electric load
6 aggregation and power supply coordination services. Founded in 1986, Strategic Energy has
7 transformed itself from an energy-consulting firm into one of the largest competitive retail energy
8 service providers in the United States. The Company now has more than 42,000 commercial and
9 industrial customers in states that have enacted retail choice, including Pennsylvania, Ohio, New
10 York, Massachusetts, Texas and California - with many more states expected to come online in the
11 next few years. More than 170 full-time energy professionals at its headquarters in Pittsburgh, Pa.
12 and in offices across the country are devoted to objective electricity and natural gas management and
13 consulting. Strategic Energy procures and manages more than \$2 billion of electricity and natural gas
14 per year and has never had a customer interrupted.

15 IV.

16 As retail electric service providers ("ESP") and potential providers of electricity
17 service to direct offer customers in Arizona's competitive retail electric market, Constellation NE and
18 Strategic Energy will be directly and substantially affected by the proceedings.

19 V.

20 The granting of intervenor status to Constellation NE and Strategic Energy will not
21 delay or unduly broaden the issues presented in the proceedings.

22 VI.

23 Constellation NE and Strategic Energy request that all communications in connection
24 with the above-captioned proceedings be directed to:
25

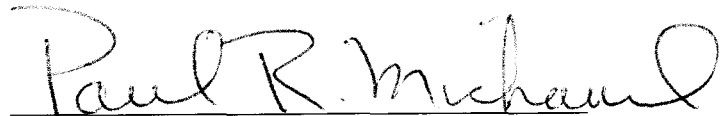
1 Paul R. Michaud, Esq.
2 MARTINEZ & CURTIS, P.C.
3 2712 North Seventh Street
4 Phoenix, Arizona 85006
5 Telephone: (602) 248-0372
6 Facsimile: (602) 266-8290
7 E-mail: pmichaud@martinezcurtis.com

8 and

9 Daniel W. Douglass, Esq.
10 LAW OFFICES OF DANIEL W. DOUGLASS, A.P.C.
11 6303 Owensmouth Avenue, 10th Floor
12 Woodland Hills, California 91367-2262
13 Telephone: (818) 936-2466
14 Facsimile: (818) 936-2101
15 E-mail: douglass@energyattorney.com

16 RESPECTFULLY SUBMITTED, this 12th day of September, 2003.

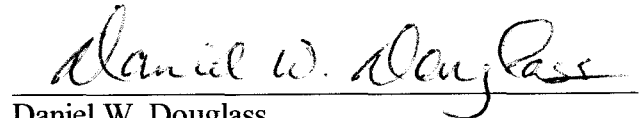
17 **MARTINEZ & CURTIS, P.C.**

18 

19 Paul R. Michaud
20 2712 North Seventh Street
21 Phoenix, Arizona 85006
22 Attorneys for Constellation NewEnergy, Inc. and
23 Strategic Energy L.L.C.

24 and

25 **LAW OFFICES OF DANIEL W. DOUGLASS, A.P.C.**



Daniel W. Douglass
6303 Owensmouth Avenue, 10th Floor
Woodland Hills, California 91367-2262
Attorneys for Constellation NewEnergy, Inc. and
Strategic Energy L.L.C.

1 **Original and thirteen (13) copies of the foregoing**
2 **filed this 12th day of September, 2003 with:**

3 Docket Control Division
4 ARIZONA CORPORATION COMMISSION
5 1200 West Washington Street
6 Phoenix, Arizona 85007

7 **Copies of the foregoing hand-delivered and/or**
8 **mailed this 12th day of September, 2003 to:**

9 Lyn Farmer, Chief Administrative Law Judge
10 Hearing Division
11 ARIZONA CORPORATION COMMISSION
12 1200 West Washington Street
13 Phoenix, Arizona 85007

14 Christopher Kempley, Chief Counsel
15 Legal Division
16 ARIZONA CORPORATION COMMISSION
17 1200 West Washington Street
18 Phoenix, Arizona 85007

19 Ernest Johnson, Director
20 Utilities Division
21 ARIZONA CORPORATION COMMISSION
22 1200 West Washington Street
23 Phoenix, Arizona 85007

24 Thomas Mumaw
25 Karilee S. Ramalay
PINNACLE WEST CAPITAL CORPORATION
P.O. Box 53999 MS 8696
Phoenix, Arizona 85072-3999

Jeffery B. Guldner
Faraq Sanei
SNELL & WILMER
One Arizona Center
400 East Van Buren Street
Phoenix, Arizona 85004-2202
Attorneys for Arizona Public Service Company

1 C. Webb Crockett
2 FENNEMORE CRAIG, P.C.
3 3003 N. Central Avenue
4 Suite 2600
5 Phoenix, Arizona 85012
6 Attorneys for AECC, Phelps Dodge
7 And AECC

8 Major Allen G. Erickson
9 AFCEA A/ULT
10 139 Barnes Drive, Suite 1
11 Tyndall AFB, Florida 32403-5319
12 Attorney for FEA

13 Michael Kurtz
14 BOEHM, KURTZ & LOWRY
15 36 E. Seventh Street, Suite 2110
16 Cincinnati, Ohio 45202
17 Attorneys for Kroger Company

18 Scott Wakefield, Chief Counsel
19 RUCO
20 1110 West Washington Street
21 Suite 220
22 Phoenix, Arizona 85007

23 Walter W. Meek
24 AUIA
25 2100 N. Central Avenue
Suite 210
Phoenix, Arizona 85067

Andy W. Bettwy
Bridget A. Branigan
Legal Department
SOUTHWEST GAS CORPORATION
5241 Spring Mountain Road
Las Vegas, Nevada 89150
andy.bettwy@swgas.com

Robert W. Geake
Vice President and General Counsel
ARIZONA WATER COMPANY
P.O. Box 29006
Phoenix, Arizona 85038-9006

1 Jay L. Shapiro
2 Patrick Black
3 FENNEMORE CRAIG, P.C.
4 3003 North Central Avenue
5 Suite 2600
6 Phoenix, Arizona 85012

7 David Crabtree
8 Dee Brown
9 Bill Gehlen
10 TECO POWER SERVICES
11 P.O. Box 111
12 702 N. Franklin Street
13 Tampa, Florida 33601-0111

14 Bill Murphy, Vice President AZCA
15 MURPHY CONSULTING
16 2422 E. Palo Verde Drive
17 Phoenix, Arizona 85016
18 billmurphy@cox.net

19 By: 
20
21
22
23
24
25

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